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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
 Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 7th April, 2017: —

I

Bill No. VIII of 2017

A Bill to provide for effective regulation of the level of arsenic in ground water and identification of the risk areas of arsenic contamination, formulate a national policy for mitigating and preventing arsenic contamination in food and drinking water in the country for the overall welfare, care and protection of the citizens and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (i) This Act may be called the Arsenic Contamination (Prevention) Act, 2017.

Short title,
extent and
commencement.

(ii) It extends to the whole of India.

(iii) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "arsenic" means the natural chemical element which has eroded from the Himalayas and deposited near the foothills of Himalayas in Indo-gangetic plain.

(b) "Authority" means the national Arsenic Contamination Prevention Authority established under section 4.

(c) "ground water" means naturally occurring water found below the surface in the saturated zone which can be extracted by digging wells, bores, etc.

(d) "prescribed" means prescribed by rules made under this Act;

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall as soon as may be after the commencement of the Act and in consultation with the Government of the States, formulate a national policy for mitigating and preventing arsenic contamination in food and ground water in the country for the overall welfare, care and protection of the citizens.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be called the National Arsenic Contamination Prevention Authority for the purposes of this Act.

(2) The head office of the Authority shall be at New Delhi and the Authority may establish offices at other places in the States and Union territories as it may deem necessary for carrying out the purposes of this Act.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government, namely:—

(a) a Chairperson, who shall be an expert scientist having adequate knowledge and professional experience in the prevention of arsenic pollution;

(b) one Deputy Chairperson with such qualifications as may be prescribed;

(c) five Members of Parliament of whom two shall be from Rajya Sabha and three from Lok Sabha to be nominated by the respective Presiding Officers of the two Houses;

(d) five members, one each to represent the Union Ministries of Drinking Water and Sanitation, Environment, Forest and Climate Change, Health and Family Welfare, Agriculture and Farmers welfare and Panchayati Raj respectively;

(e) four members to represent the Non-Governmental Organisations working for prevention of arsenic pollution in food and ground water;

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order.

(4) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

(5) The Salary and allowances payable to Chairperson, Deputy Chairperson and Members, terms of office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such, as may be prescribed.

(6) The Authority shall have a secretariat with such number of officers and staff may be prescribed.

(7) The salary and allowances payable to, and other terms and conditions of the officers and staff of the authority such as may be prescribed.

5. (1) Subject to any guidelines issued by the Central Government under the provisions of this Act, the Authority shall perform and undertake such special steps in close coordination with concerned Ministries, Departments of the Central and State Government to eliminate arsenic contamination and to afford the arsenic free drinking water and food to everyone throughout the country as it may deem necessary and expedient under the Act.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall—

- (a) conduct survey at risk areas to determine the location, scale and causes of arsenic contamination;
- (b) conduct survey of irrigation wells to assess the risk of overuse and exploitation of groundwater on agriculture and human health;
- (c) develop awareness at all levels of society about the potential danger of arsenic in food and water;
- (d) assess the availability of low arsenic water resources for human consumption;
- (e) strengthen the capacity of agricultural research institutions to develop and test crops, alternative cropping system, water management processes and soil rehabilitation methods;
- (f) help farmers to adapt by maximizing rain fed production where alternative water source for irrigation are insufficient;
- (g) prioritise water supply and treatment intervention in worst affected areas;
- (h) establish local and affordable capability to test water supplies where arsenic surveys have been completed;
- (i) coordinate and monitor time bound arsenic mitigation plants to eliminate arsenic exposure;
- (j) identify alternative soft water sources and assess their sustainability;
- (k) investigate the impact of arsenic on irrigated agriculture;
- (l) assess the effect of contaminated water to arsenic exposure specially on human health;
- (m) assess the likely impact of climate change on the increased demand for and reduced availability of ground water;
- (n) assess the health effects of excess exposure to arsenic and provide preventive medical assistance; and
- (n) such other activities as may be assigned from time to time.

6. The Central Government shall, after due appropriation, made by Parliament by law in this behalf, pay to the Authority in each financial year such sums as may be considered necessary and adequate for the performance of the functions of the Authority under this Act.

Central Government to provide funds.

7. The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual Report giving summary of its activities during the previous year and submit it to the Central Government, which show cause the same to be laid before both the Houses of Parliament.

Annual report.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall as soon as may be after it is made, be laid before both the Houses of Parliament.

Act to
supplement
other laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Power to
make rules.

10. The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Ground water is the major source of water supply in India. With India facing erratic monsoon, ground water is perennial source of water supply for the country. It meets eighty-five per cent of the water demand of the people in rural areas and fifty per cent of the demand for water in urban areas. Naturally occurring arsenic in ground water used for drinking, cooking and irrigation is a catastrophe with enormous public health implications. Nearly one thirty million people across the world have been exposed to excess level of arsenic in their drinking water over and above the World Health Organisation (WHO) recommended limit of ten parts per billion. As per the annual report statistics of the Ministry of Water Resources, eighty-nine per cent of the ground water extracted in India is used for irrigation and nine per cent of it is used for domestic purposes. Amongst all the States in the country, Uttar Pradesh, Bihar and Bengal have largest share of replenishable ground water of 77.19 billion cubic metre. The arsenic contamination has affected the people of the Uttar Pradesh where arsenic contaminated ground water is used for irrigation, thereby arsenic accumulates in soil and is taken up by crops. Ingestion of arsenic has wide ranging health hazards. It has been estimated that, if unchecked, exposure to arsenic will result in doubling of mortality from cancer.

It is high time for the Union Government to intervene in the matter and provide assistance to the States for digging arsenic free drinking water wells to the arsenic affected habitation in the country particularly Uttar Pradesh, Bihar and Bengal. As of now, there is no effective law to regulate the level of arsenic in ground water and identification of risk areas for mitigating and preventing arsenic pollution in food and ground water. The Bill aims to achieve the above objectives.

Hence, this Bill.

NEERAJ SHEKHAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Arsenic Contamination Prevention Authority. Clause 6 of the Bill makes it obligatory for the Central Government to provide necessary funds for the purpose of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty five thousand crore may involve as recurring expenditure per annum. Non-recurring expenditure to the tune of rupees six thousand crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

II

Bill No. IX of 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article 83.

2. In article 83 of the Constitution, in clause (2), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that where the House of the People is dissolved earlier than the said period of five years, the duration of the House constituted immediately after such dissolution may, on a report made by the Election Commission to this effect, be extended or curtailed by a period up to two years in order to synchronise the holding of elections to the House of the People and the State Legislative Assemblies.”

3. In article 172 of the Constitution,—

(i) in clause (1), after the existing proviso, the following proviso shall be inserted, namely—

"Provided further that where the Legislative Assembly is dissolved earlier than the said period of five years, the duration of the Legislative Assembly constituted immediately after such dissolution may, on a report made by the Election Commission to this effect, be extended or curtailed by a period up to two years in order to synchronise the holding of elections to the Legislative Assembly with the elections to the House of the People."

(ii) after clause 2, the following clause shall be inserted, namely—

"(3) Within six months from the date of commencement of the Constitution (Amendment) Act, 2017 the Central Government shall, in consultation with the Election Commission, by notification in Official Gazette, specify the State Legislative Assemblies, the duration whereof may be extended or curtailed in order to synchronise the elections to such Legislative Assemblies with the next elections to the House of the People.

4. After article 326 of the constitution, the following article shall be inserted namely.—

"326A. The elections to the House of the People and to the Legislative Assembly of every State shall be held simultaneously.

Amendment
of article
172.

Insertion of
new article
326A.

Simultaneous
holding of
elections to
House of the
People and
Legislative
Assemblies of
the States.

STATEMENT OF OBJECTS AND REASONS

India is the world's largest democracy. As many as 81 crore people are registered as eligible voters with the Election Commission of India, which has been entrusted with the Powers to hold elections to both the House of the People and the State Legislative Assemblies. Though the House of the People and the State Assemblies have a fixed tenure of five years, the expiration of their term does not synchronise. As a result, the House of the People and different State Assemblies go to polls at different times. As a result, we often find elections being held in the country in one part or the other.

Of late, the idea of frequent elections is being challenged on various grounds. The first among these is that the conduct of elections is an enormous exercise administratively. The entire administrative machinery and the security apparatus have to be mobilised to ensure smooth and fair conduct of elections. If the elections to Lok Sabha and State Assemblies are held together, a redundant duplication of election exercise can be avoided.

Secondly, the conduct of elections at such scale involved huge expenditure, both by the Government and political parties. As per estimates of the Election Commission, the Government expenditure for holding Lok Sabha elections in 2009 was Rs. 1115 crore, which increased to Rs. 3870 crore in 2014. Unofficial estimates peg the Government expenditure incurred in holding elections to the Bihar Legislative Assembly in 2015 at Rs. 300 crore. Precious tax-payers' money can be saved and utilised for developmental activities if, State Assembly elections are held together with Lok Sabha elections.

Thirdly, it is not only the Government, but political parties also incur huge expenditure on elections. There are unscrupulous elements among political parties who freely use dubious money in elections. It is among the top agenda of the present Government that the role of such dubious money in elections is minimised, if not eliminated. Towards this end, the simultaneous elections to Lok Sabha and State Legislative Assemblies will serve a long way since there will be lesser opportunities for use of dubious money.

Fourthly, the process of Government is severely affected due to imposition of Model Code of Conduct. To quote from the Seventy-ninth Report (2015) of the Standing Committee on Personnel, Public Grievances, Law and Justice:—

"....The imposition of Model Code of Conduct (MCC) puts on hold the entire development programme and activities of the Union and State Governments in poll bound State. It even affects the normal governance. Frequent elections lead to imposition of MCC over prolonged periods of time. This often leads to policy paralysis and governance deficit."

Besides, there are assures such as disruption of normal public life, resort to populist measures by ruling parties, etc. which weight heavily in favour of conducting simultaneous elections to Lok Sabha and State legislative Assemblies.

There are, however certain challenges to holding simultaneous elections. There are questions over operational feasibility of such a huge exercise. Above all, the synchronisation of tenure of Lok Sabha and State Legislative Assemblies, to begin with and also when any popular House is dissolved prematurely, is a major political challenge.

With the above objectives in view, the Bill seeks to make the following amendments to the Constitution:—

- (i) to insert a new article 326A in the Constitution to provide for simultaneous elections to Lok Sabha and State Assemblies;
- (ii) to amend article 83 of the Constitution to provide that in case Lok Sabha is dissolved before completing its full terms, the duration of the next Lok Sabha may be

extended or curtailed by up to two years to synchronise the elections to Lok Sabha with the elections to the State Assemblies;

(iii) to amend article 172 of the Constitution to provide that in case a State Legislative Assembly is dissolved before completing its full term, the duration of the next Assembly may be extended or curtailed by up to two years to synchronise the elections to the Assembly with the elections to Lok Sabha;

(iv) to make a transitional provision that on commencement of the Bill, the Central Government shall, in order to coincide the elections of State Assemblies with the elections to Lok Sabha, take a decision, in consultation with the Election Commission, regarding extending or curtailing the duration of State Legislative Assemblies.

The Bill seeks to achieve the above objectives.

NARAYAN LAL PANCHARIYA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for simultaneous holding of elections to House of the People and Legislative Assemblies of the States. The Bill, if enacted, will involve expenditure, recurring and non-recurring, from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure likely to be incurred at this stage.

III

Bill No. XI of 2017

A Bill to provide for regulation of work of Domestic Workers in order to improve their working conditions and to provide social security to them, for setting up of State and District Boards for the purpose and for compulsory registration of Domestic Workers, employers and service providers to such Boards and also for setting up of Domestic Workers Social Security Fund and matter connected therewith and incidental thereto.

CHAPTER I**PRELIMINARY**

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Domestic Workers (Regulation of Work and Social Security) Act, 2017.
- (2) It extends to the whole of India except the State of Jammu & Kashmir.
- (3) It shall not apply to domestic workers migrating for employment to any other country.
- (4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
extent,
application
and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "appropriate Government" means in the case of a State, the concerned State Government and in all other cases, the Central Government;
- (b) "beneficiaries" means every domestic worker registered as a beneficiary under this Act;
- (c) "child" means a person who has not completed eighteen years of age;
- (d) "Central Advisory Committee" means the Central Advisory Committee constituted by the Central Government under section 17 of the Act;
- (e) "District Board" means the District Domestic Workers Regulation of Work and Social Security Board established under section 28 of the Act;
- (f) "Domestic Work" means work performed in or for a household or households;
- (g) "Domestic Worker" means any person engaged in domestic work within the employment relationship;

and shall include:

replacement worker who is working as a replacement for the domestic worker for a short and specific period of time as agreed with the domestic worker and the employer.

"Full Time Worker" means a person who is employed as a domestic worker in a single household for working hours as specified in section 40 (4);

"Live-in-Worker" means a person employed as a domestic worker who lives in the employer's premises;

"Part Time Worker" means a person who is employed as a domestic worker for less than prescribed daily working hours of that of a full time workers, whether employed in single or multiple households.

(h) Domestic Worker's Social Security Fund means the fund established under section 37 of the Act;

(i) "discrimination" means any form of differential treatment on the basis of caste, race, region, language, colour, sex, creed and religion, nature of work or age at the place of work;

(j) "employer" means any person who engages the domestic worker to do any work in a household whether part time or full time either directly or through service provider and who has an ultimate control over the affairs of the household which includes any other person to whom such affairs of the household are entrusted and in relation to contract labour, the principal employer;

(k) "employment agreement" means an agreement that lays down conditions of employment between the employer and domestic worker;

(l) "forced labour" means compelling a person to offer his services as a domestic worker against his will;

(m) "notification" means a notification published in the Official Gazette;

(n) "prescribed" means prescribed by the rules made under the Act by the appropriate Government.

(o) "service provider" means any voluntary association or placement agency or company registered under any law for the time being in force, which espouses the cause of domestic workers or provides or engages them in employment with the principal employer but excludes those collectives or cooperatives that are created by the workers themselves as a means of collective bargaining;

Explanation.— “Placement Agency” means any agency, bureau, contractor or person(s) registered under this Act which provides or engages in employment of domestic workers or which facilitates the placement of domestic help for prospective employers and includes such agency or person offering services through any print, electronic or any form of communication.

(p) “State Board” means the State Social Security Board established under section 19 of this Act;

(q) “trafficking” means to recruit, transport, transfer, harbour, or receive a person by means of abuse of power or taking advantage of his position of vulnerability by threat or use of force or coercion, abduction, fraud, deception; and that includes giving or receiving of payments or benefits to achieve the consent of such person having control over another person;

(r) “workplace” means any household or a place where a domestic worker works as per the terms of the employment agreement;

(s) “wages” means all emoluments which are earned by an employee while on duty or on leave in accordance with the terms and conditions of his employment and which are paid or are payable to him in cash and includes dearness allowance but does not include any bonus, commission, house rent allowance, overtime wages and any other allowance.

3. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.

Act not in
derogation of
other laws.

CHAPTER II

REGISTRATION

4. (1) Notwithstanding anything contained in any law for the time being in force, all domestic workers shall be registered as per procedure here in after prescribed.

Registration
of Domestic
Workers.

(2) An application for registration shall be made in such form, as may be prescribed, to the District Board in this behalf.

(3) Every application under sub-section (2) shall be accompanied by such documents together with such fee as may be prescribed.

(4) If the District Board is satisfied that the applicant has complied with the provisions of this Act and the rules made there-under, it shall register the name of the domestic worker as a domestic worker under this Act:

Provided that an application for registration shall not be rejected without giving the applicant an opportunity of being heard and without assigning reasons in writing.

(5) Any person aggrieved by the decision under sub-section (4) may, within thirty days from the date of such decision, prefer an appeal to the State Board and the decision of the State Board on such appeal shall be final:

Provided that the State Board in this behalf may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the domestic worker was prevented by sufficient cause from filing the appeal in time.

5. Every service provider shall prior to the process of recruitment or engagement of domestic worker register itself with the district Board by submitting an application along with prescribed fee, and providing such details as may be prescribed:

Compulsory
Registration
of Service
Provider.

Provided that the District Board or any such person so authorized by it may entertain any such application for registration after expiry of the period fixed in this behalf, if he is satisfied that the applicant had sufficient cause for delay in making the application.

Compulsory
Registration
of Employer.

6. Every employer, within one month of the commencement of the employment of a domestic worker, shall submit to the District Board an application along with prescribed fee, and providing such details as may be prescribed:

Provided that the district Board or any such person so authorized by it may entertain any such application for registration after expiry of the period fixed in this behalf, if he is satisfied that the applicant had sufficient reason for the delay in making the application in time.

Compulsory
Duty to
Register.

7. (1) Wherever a domestic worker undertakes work through a service provider, it shall be the duty of such service provider to get the domestic worker registered within one month from the commencement of the work, with the District Board by making an application along with prescribed fee and providing such details as may be prescribed.

(2) Where a domestic worker undertakes work under a single employer and is not engaged through any service provider, then it shall be the duty of such employer to ensure that the domestic worker is registered with the district Board within one month from the commencement of the work :

Provided that the District Board or any such person so authorized by it may entertain any such application for registration after expiry of the period fixed in this behalf, if he is satisfied that the applicant had sufficient cause for delay in making the application.

Registration
of part-time
Domestic
Worker.

8. Where a domestic worker undertakes part-time work in two or more households and is not engaged through any placement agency, the employer shall ensure that the domestic worker is registered with the District Board and the prescribed fees is paid.

Migrant
Worker.

9. Where a domestic worker leaves the work in a District and moves to any other area in any part of the territory of India and takes up work in any household in such part either on his own or through any agency or employee, it shall be the duty of such worker or agency or middleman respectively, to inform the concerned Board where so registered regarding the move and register with the District Board at the place where work has been taken up.

Effect of
non-
Registration.

10. (1) No employer/service provider shall employ a domestic worker unless a certificate of registration in respect of such employment is issued by the respective District Board or government servant so authorized.

(2) If the District Board or any government servant so authorized by it is satisfied, either on a reference made to it in this behalf or otherwise that the service provider or employer has failed to register, then the penalties prescribed under this act shall apply.

Effect of
non-payment
of annual
contribution.

11. In case of failure to pay annual contribution to the District Board, the worker ceases to be beneficiary under the Act.

Renewal of
registration
certificate.

12. A registration certificate shall be renewed at an interval of one year, on the payment of fee as may be prescribed.

Effect of
non-renewal.

13. (1) No employer to which this Act applies shall employ domestic worker unless the renewal of registration certificate is carried out by him in respect of such employment as issued under this Act. **(2)** If the District Board or any person authorized by it is satisfied, either on a reference made to it in this behalf or otherwise that the service provider or employer has failed to carry out the renewal of registration certificate, then the penalties prescribed under section 51(1) of this Act shall apply for non-renewal.

Beneficiaries
of the Fund.

14. (1) Subject to the provisions of this Act, every domestic worker above the age of eighteen years, registered under this Act shall be entitled to the benefits provided by the Board from its Fund under this Act.

(2) Every domestic worker above the age of sixty years shall continue to be beneficiary under this Act, however, shall not pay annual contribution to the Fund.

15. (1) The District Board shall give to every beneficiary an identity card with his photograph duly affixed.

Identity cards.

(2) A beneficiary who has been issued an identity card under this Act, shall produce the same whenever demanded by any officer of Government or the District Board, or any other authority for inspection.

16. The District Board shall maintain records or register of all its records duly catalogued and indexed in a manner and in prescribed form and shall ensure that all records are computerized within a reasonable time. The digitisation of the records shall be introduced through software established by the Central Government and databases available with the District Boards should be connected through a network all over the country on different systems so that access to such records is facilitated:

Maintenance and Digitisation of records.

Provided further that it shall be the duty of the District Board to submit the computerized records to the Central Advisory Committee under this Act within reasonable time.

CHAPTER III

IMPLEMENTING AUTHORITIES UNDER THE ACT

17. (1) The Central Government shall constitute a Committee to be called the Central Advisory Committee (hereinafter referred to as the Central Committee) to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned to it under this Act.

Central Advisory Committee.

(2) The tenure of the Committee shall be three years and proportionate representation shall be ensured from Government, Civil Society Organizations/Trade Unions, Domestic Workers and employers.

(3) The Central Advisory Committee shall consist of—

(a) a Chairperson to be appointed by the Central Government;

(b) such number of members, as the Central Government may nominate that shall include association, Union or persons representing and espousing the cause of domestic workers, individuals having expertise in issues relating to labour matters, women and child issues, law and any other interests which in the opinion of the Central Government, ought to be represented on the Committee. State & Union Territory Representation:

Provided that the Committee shall consist of at least eight members excluding the Chairperson.

(4) The number of persons to be appointed as members from the categories specified in sub-section (2), the term of officer and other conditions of service, the procedure to be followed in the discharge of their functions and the manner of filling up of vacancies shall be such as may be prescribed.

(5) The members of the Central Committee shall meet once every six months to review the working of the Act.

18. (1) The Central Committee shall perform the following functions:

Functions of the Central Committee.

(a) To review and monitor implementation of the Act and rules made thereunder and recommend to the Central Government and State Govts./Union Territories any changes in the said Act and rules and shall prepare an annual report of the administration of the Act.

(b) Review and monitor the implementation of the Act in all the States & Union Territories.

(c) Advise the State Boards regarding schemes in relation to social security, health, medical, education and other beneficial schemes for the welfare of Domestic Workers and their family members.

(d) Advise upon such matters arising out of the administration of this Act or any scheme made under this Act or relating to the application of the provisions of this Act to all Domestic Workers and Employers, and co-ordination and monitoring of the work of various Boards to ensure portability of registration and delivery of benefits across the country.

(e) Prescribe minimum standards to achieve decent conditions of work in consultation with State Boards.

(f) Recommend appropriate strategies on elimination of any form of trafficking/ forced/bonded labour and child labour.

(g) Any other matter prescribed by the Central Government.

19. (1) Every appropriate Government shall, with effect from such date as it may, by notification appoint, constitute a Board to be known as the State of UT Domestic Worker Regulation of Work and Social Security Board to exercise the powers conferred on, and perform the functions assigned to, it under this Act.

(2) The State Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The State Board shall consist of a Chairperson, a person to be nominated by the Central Government and such number of other members, not exceeding fifteen, as may be appointed to it by the appropriate Government:

Provided that the State Board shall include an equal number of members representing the State Government, the employers and the Domestic Workers and that at least one-third members of the Board shall be women.

(4) The terms and conditions of appointment and the salaries and other allowances payable to the Chairperson and other members of the State Board, and the manner of filling of casual vacancies of the members of the State Boards, shall be such as may be prescribed.

20. (1) The State Board shall appoint a Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The Secretary of the State Board shall be its chief executive officer.

(3) The terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the State Board shall be such as may be prescribed.

21. (1) The State Board shall meet at such time and place and observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be prescribed.

(2) The Chairperson or, if for any reason he is unable to attend a meeting of the State Board, any member nominated by the Chairperson in this behalf and in the absence of such nomination, any other member elected by the members present from amongst themselves at the meetings, shall preside over the meeting.

(3) All questions which come up before any meeting of the State Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or a casting vote.

Constitution
of State
Social
Security
Boards.

Secretary and
other officers
of State
Boards.

Meetings of
State Boards.

22. No act or proceedings of a State Board shall be invalid merely by reason of—
(a) any vacancy in, or any defect in the constitution of, the State Board; or
(b) any defect in the appointment of a person acting as a member of the State Board; or
(c) any irregularity in the procedure of the State Board not affecting the merits of the case.

Proceedings
of the State
Boards to be
valid.

23. (1) The State Board Shall—

(i) with the previous approval of the appropriate Government, make regulations consistent with this Act and the rules made there under for all or any of the matters to be provided under this Act;

(ii) review and monitor the District Boards constituted for the State and take appropriate steps to ensure its proper and effective implementation;

(iii) allocate funds to the District Board and administer the State Domestic Workers Welfare Fund and allocate such amounts to District Boards as may be considered necessary;

(iv) prescribe the fees to be charge from the employers, service providers/placement agencies and domestic workers from time to time;

(v) prescribe fee for registration as beneficiaries under the Fund and rate per menses for the beneficiaries of the fund;

(vi) implement such schemes and welfare measures as formulated in consultation with the Central Committee;

(vii) prescribe the form of register to be maintained for registration of domestic workers under the fund;

(viii) procedure for renewal of registration certificate;

(ix) entertain appeals with respect to any decision by the District Board;

(x) ensure decent conditions of service, including rates of remuneration, hours of work and conditions;

(xi) provide immediate assistance to a beneficiary in case of accident;

(xii) make payment of pension to the beneficiaries who have completed the age of sixty years;

(xiii) sanction loans and advances to a beneficiary for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed;

(xiv) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries as it may deem fit;

(xv) give such financial assistance for the education of children of the beneficiaries as may be prescribed;

(xvi) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant, as may be prescribed;

(xvii) make payment of maternity benefit to the female beneficiaries; and

(xviii) make provision and improvement of such other welfare measures and facilities as may be prescribed.

Functions of
the State
Board.

(2) The Board may grant loan or subsidy to a local authority or an employer in aid of any scheme approved by the appropriate government for the purpose connected with the welfare of domestic workers in any establishment.

(3) The Board shall pay annually grants-in-aid to a local authority or to an employer who provides to the satisfaction of the Board welfare measures and facilities of the standard specified by the Board for the benefit of the domestic workers and the member of their family. However, the amount payable as grants-in-aid to any local authority or employer shall not exceed,—

(a) the amount spent in providing welfare measures and facilities as determined by the appropriate Government or any person specified by it in this behalf, or

(b) such amount as may be prescribed, whichever is less:

Provided that no grant-in-aid shall be payable in respect of any such welfare measures and facilities where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf.

24. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to a state board grants and loans of such sums of money as the Government may consider necessary.

25. The State Board shall prepare, in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the State Government and the Central Government.

26. The State Board shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government and the Central Government.

27. (1) The State Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the auditing of the accounts of the State Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Board under this Act.

(3) The accounts of the State Board shall be audited by the Comptroller and Auditor-General of India annually and any expenditure incurred in connection with such audit shall be payable by the State Board to the Comptroller and Auditor-General of India.

(4) The State Board shall furnish to the appropriate Government before such date as may be prescribed, its audited copy of accounts together with the auditor's report.

(5) The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the State Legislature.

28. (1) The appropriate Government may for the purposes of preparation and implementation of the schemes for welfare of domestic workers, in a District, by notification in the Official Gazette, establish such number of Boards to be known as "District Domestic Workers regulation of work and Social Security Board:

Provided that, the State Government may constitute such District Board for two or more Districts:

Provided further that, the State Government may, by like notification, also constitute more than one Board for a District and specify the local limits in which such Boards shall have jurisdiction or authorize any existing Board under any other law dealing with labour related matters.

Grants and
loans by the
Central
Government.

Budget.

Annual
Report.

Accounts and
Audit.

Establishment
of District
Social
Security
Board.

(2) The District Board shall consist of members nominated, from time to time, by the State Government representing the employers, the domestic workers and the State Government.

(3) The members representing employers and domestic workers shall be equal in number, and the members representing the State Government shall not exceed one-third of the total number of members representing employers and Domestic Workers.

(4) The Chairperson of the District Board shall be one of the members appointed to represent the State Government, nominated in this behalf by the State Government.

(5) The term of office of members of the District Board shall be such as may be prescribed.

(6) Every member shall be paid (not being a member representing the State Government) from the fund of the District Board; traveling and daily allowances for attending meetings of the District Board at such rates as may be prescribed.

(7) The members of the District Board shall meet once every four months to review the operation of the Act and evaluate the implementation of the Act.

(8) The meetings of the District Board and the procedure to be followed for the purpose and all matters supplementary or ancillary thereto shall be such as may be laid down by the regulations.

29. (1) The District Boards shall perform the following functions—

(a) to carry out or cause to carry out the registration of domestic workers, employers, service providers and placement agency as per the procedure prescribed under the Act in the name and Account of State Board either directly or through the Workers Facilitation Centres and maintain records and registration of domestic workers as beneficiaries under the Act;

(b) to collect cess in the name and account of the State Board from service providers and employers at the time of registration as prescribed;

(c) to grant following benefits to beneficiaries which they are entitled to under the Act:—

(i) provision for immediate assistance and rehabilitation to a beneficiary in case of an accident arising in the course of employment;

(ii) financial assistance for the education of beneficiary and his/her children;

(iii) provision for medical expenses for treatment of ailments of a beneficiary or his/her such dependent;

(iv) provision for maternity/paternity benefit to the women/men beneficiaries;

Provided that, such maternity/paternity benefit shall be restricted to two children only;

(v) make payment of funeral expenses to the legal heir on the death of the beneficiary;

(vi) facilitate the settlement of disputes through conciliation;

(vii) renewal of registration certificate and collection of annual contribution;

(viii) issue of identity card for the beneficiary;

(ix) disseminate information on available social security schemes for the Workers;

Functions of
District
Board.

- (x) authorize the Workers Facilitation Centre to act as an authorized intermediary in collecting contributions from the workers and others as mandated under the Act and remit them to the District Board;
- (xi) authorize Workers Facilitation Centre to carry out surprise visits to the working place of the Domestic Workers and check the implementation of the Act;
- (xii) training and imparting skills to the Domestic Workers;
- (xiii) authorize the Workers Facilitation Centre to conduct surveys for beneficiaries;
- (xiv) provide legal aid to beneficiaries in case of a court proceeding to address their claims;
- (xv) implement any schemes or any welfare measures framed by the State Boards;
- (xvi) maintain complaint registers for grievance redressal of Domestic Workers;
- (xvii) board shall also establish or devise establishment of creche facilities for children of domestic workers;
- (xviii) such other benefits as may be decided by the District Board, from time to time.

(d) The District Board in consultation with the State Board may make available such schemes as applicable under other laws such as the Unorganized Workers Social Security Act, 2008.

Act 33 of
2008

(2) The District Board shall designate any one or more of the following at such areas as may be considered necessary, as Workers' Facilitation Centres (WFC) for purposes of facilitating registration of workers:

- (i) Local Panchayati Raj Institutions (PRI) or urban local bodies;
- (ii) Resident Welfare Associations/Society;
- (iii) Non-profit organizations working among the Domestic Workers;

Provided further that such Workers' Facilitation Centers (WFC) shall function under the supervision of the District Board.

(3) The District Board shall maintain such registers and records giving such particulars of domestic workers employed, the nature of work performed by the domestic worker, and such other particulars in such form as may be prescribed.

(4) The District Board may implement any welfare schemes under any other law with prior approval of the appropriate Government.

(5) Upon request of the aggrieved Domestic Worker, the Board shall admit them into rehabilitation homes of the Government.

30. (1) Subject to any rules made by the State Government in this behalf, the District Board may, within the local limits:—

- (a) make such examination and hold such inquiry as may be necessary for ascertaining whether the provisions of this Act have been or are being complied within any place or premises;
- (b) require the production of any document, record or evidence (written or oral);
- (c) enter any place or premises with such assistance as it may consider necessary, at all times if there are reasonable grounds for suspecting that any domestic worker as

or is being subjected to any form of sexual exploitation or wrongfully confined in any such place or premises or rescue any child being as a Domestic Worker.

(2) Every employer shall accord to the District Board, all reasonable facilities in the discharge of his duties under this Act.

(3) Each District Board shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908, when adjudicating a dispute in respect of the following matters, namely—

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents and material objects;
- (c) issuing commissions for the examination of witnesses;
- (d) in respect of such other matters as may be prescribed.

31. (1) No person shall be chosen as, or continue to be, a member of the Board who,

- (a) is a salaried officer of the District Board;
- (b) is or at any time has been adjudged insolvent;
- (c) is found to be a lunatic or has become of unsound mind; or
- (d) is or has been convicted of any offence involving moral turpitude.

Disqualification
and removal
of member of
the District
Boards.

(2) The State Government may remove from office any member, who

- (a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or
- (b) is absent without leave of the District Board for more than three consecutive meetings of the Board;
- (c) in the opinion of the Government, has so abused the position of member as to render that person's continuation in the office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such member:

Provided that, no person shall be removed under clause (c), unless person has been given a reasonable opportunity to show cause as to why he should not be removed.

(3) Notwithstanding anything contained in any other provisions of this Act, the members shall hold office during the pleasure of the State Government and if in the opinion of the State Government,

- (a) the member representing employers and the domestic workers, ceases to adequately represent the employers or, as the case may be, the domestic workers, or
- (b) having regard to exigencies of circumstances or services in the State Government, the member representing the State Government cannot continue to represent the State Government,

then it may, by an order, remove all any of them from office at any time.

32. Any member of the District Board may at any time resign his office by writing under his hand addressed to the State Government, and his office shall, on acceptance of the resignation, become vacant.

Registration
from office
by member.

33. No act or proceeding of the District Board shall be questioned or invalidated merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.

Proceedings
presumed to
be good and
valid.

34. (1) The Board shall, with the approval of the State Government, appoint a full time Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Secretary and
other officers
of the District
Board.

(2) The Secretary of the District Board shall be its Chief Executive Officer.

(3) The functions, terms and conditions of appointment and the salary and allowances payable to the secretary and other officers and employees of the District Board shall be such as may be laid down, from time to time, by regulations.

35. (1) In the case of complaints relating to non-functioning of the District Board, a complaint shall be filed with the State Board.

(2) The State Board shall conduct an enquiry and if found, the complaint to be true and as the District Board dysfunctional shall dissolve the District Board.

(3) Upon dissolution of a District Board, new Board shall be constituted within fifteen days.

36. No child shall be employed as a Domestic Workers or for any such incidental or ancillary work which is prohibited under any law for the time being in force.

CHAPTER IV

ESTABLISHMENT OF FUND

Dissolution of the District Board.

Employment of a child.

Domestic Workers Social Security Fund.

37. (1) There shall be formed a Fund, to be called the Domestic Workers Social Security Fund, and credited thereto—

(a) one percent of House Tax collected by the Local bodies as contribution towards Social Security Funds of Domestic Workers every month.

(b) Employers' contribution collected by the District Boards in the name and Account of the State Board as annual registration fee under section 6.

(c) any grants made to the Fund by the Central Government and State Government or any other person or organisation;

(d) any amount received by the District Board in the name and Account of State Board from the beneficiaries as registration fees/workers contribution under section 8.

(e) all amount from the District Boards received as registration and other fees of domestic workers, Employers and Service providers.

(f) any income from investment from Nationalized Bank of the amounts in the Fund.

(g) share from GDP and state revenue;

(h) all fines collected.

(i) all other sums received by the District Board from any other sources.

(2) The Fund allocated by the State Board to a District Board shall be administered and applied by the District Board to meet the expenditure incurred in connection with measures and facilities which are necessary or expedient to promote the welfare and social security of Domestic Workers;

(i) to defray the cost of such welfare measures or facilities for the benefit of Domestic Workers/beneficiaries as may be decided by the State Board.

(ii) to sanction any money in aid of any scheme for the welfare of the Domestic Workers including family welfare, family planning, education, insurance and other welfare measures;

38. A domestic worker or Employer who has been registered as a beneficiary under this Act shall, until he attains the age of sixty years, contribute to the Fund at such rate per menses, as may be specified:

Provided that the District Board may, if satisfied that a beneficiary is unable to pay his contribution due to any financial hardship, waive the payment of contribution for a period not exceeding three months at a time.

Contribution of Domestic Workers and Employers.

39. When a beneficiary has not paid his contribution under sub-section (1) of section 37 for a continuous period of not less than one year, he shall cease to be a beneficiary, but he will continue to be a member:

Provided that if the District Board is satisfied that the non-payment of contribution was for a reasonable ground and that the domestic worker is willing to deposit the arrears, he may allow the domestic workers to deposit the contribution in arrears and on such deposit being made, the registration or entitlement to receive benefits of domestic workers shall stand restored.

Effect of
non-payment
of
contribution.

CHAPTER V

REGULATION OF THE WORKING CONDITIONS

40. (1) Every employer and service provider shall provide such particulars of the domestic workers engaged directly or through agency, to the District Board or any person so authorized by it, in such form and on paying such fees as may be prescribed.

Duties of the
employer and
service
provider.

(2) No service provider or a person/agency shall carry on the business of providing services of domestic workers to any employer unless the said service provider or agency or person is registered under the Act.

(3) The service provider shall maintain the records, in a standard format as prescribed by the District Board, of all domestic workers being contracted by them for purposes of employment from any part of the territory of India and provide the details thereof in such form as may be prescribed.

(4) Working Hours of the domestic servant shall be as follows:

(a) Weekly Working Hours—No domestic worker shall be required or allowed to work for more than forty-eight hours in any week.

(b) Daily Working Hours Subject to the provision of section 40 (4) (a), no domestic worker shall be required or allowed to work for more than Nine hours in any day.

(c) Duration of Working hours—The period of work of a domestic worker shall be so arranged that inclusive of the intervals for rest, it shall not spread over more than Twelve hours per day.

(d) Weekly holidays—Every domestic worker irrespective of being a full-time, part-time, live-in, night-shift domestic worker will be entitled to a weekly day off.

(e) Restriction on overtime—The total hours of work in any day shall not exceed ten hours in a day and in the aggregate Twelve hours in any week.

(f) Wages for overtime work—Where a domestic worker works for more than the maximum working hours as prescribed in Section 40 (4) (a) and (b) he shall, in respect of the overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

(g) Interval for rest—The periods of work of a domestic worker each day shall be so fixed that no period shall exceed five hours and that no domestic worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

Basic
Amenities.

41. The employer shall provide the domestic worker with basic amenities like safe drinking water, food, first aid and washrooms.

Accommodation
for live-in
domestic
worker.

42. The employer shall provide a live-in domestic worker with private and decent accommodations for rest and dressing.

Payment of
Wages.

43. The employer shall directly pay the wages to the bank account of the domestic worker within the first five days of the month.

Termination
from
employment.

44. The employer and domestic worker shall provide one month notice to the domestic worker and employer before termination of employment and provide wages worth fifteen days of employment.

Leave.

45. (1) Every domestic worker shall be entitled to a paid sick leave on the account of being sick, provided that the No. of days for sick leave shall not exceed fifteen days.

(2) Every domestic worker who has worked for a period of two hundred forty days or more in a household shall be entitled to fifteen days of annual paid leave which shall not include the weekly holidays or sick leave.

Employees
State
Insurance
(ESI).

46. Every domestic worker shall enroll under ESI so as to avail domestic worker to be enrolled under benefit from health cover, including maternity benefit.

Crimes
against
employees.

47. No domestic worker shall be subjected to the offence of sexual, physical or verbal assault, violence, trafficking wrongful confinement and bonded/forced labour by any employer or a member of his household.

No
discrimination
at place of
work.

48. (1) No employer registered under this Act shall discriminate on the basis of caste, race, region, language, colour, sex, creed or religion, in matters such as recruitment, conditions of employment, payment of wages etc.

(2) No voluntary association or agency shall discriminate on the aforesaid grounds in rehabilitation recruitment, placement and payment on these grounds, nor shall it cause an employer to do so.

Explanation.—For the purposes of the section there shall be equal payment for equal work requiring the same amount of work, skill set, and effort.

Minimum
Wages.

49. (1) The appropriate Government shall be notification fix the minimum rates of wages payable to domestic worker.

(2) The appropriate Government shall review minimum wages at such intervals as it may think fit. Provided that the intervals of review shall not exceed five years.

(3) The appropriate Government may fix—

(a) a minimum rate of wages for time work (hereinafter referred to as 'a minimum time rate');

(b) a minimum rate of wages for piece work (hereinafter referred to as 'minimum piece rate');

(c) a minimum rate of remuneration to apply in the case of domestic worker employed on piece work for the purpose of securing to such domestic worker a minimum rate of wages on a time work basis (hereinafter referred to as 'a guaranteed time rate');

(d) a minimum rate (whether a time rate or a piece rate) to apply in substitution for minimum rate which would otherwise be applicable, in respect of overtime work done by domestic worker (hereinafter referred to as 'overtime rate');

(e) minimum rates of wages may be fixed by any one or more of the following wage-periods, namely:—

(i) by the hour,

(ii) by the day,

(iii) by the month

CHAPTER VI

GRIEVANCE REDRESSAL AND DISPUTE RESOLUTION

Grievance
Redressal
Mechanism.

50. (1) Every District shall have one or more Grievance Redressal Committee for the resolution of disputes arising out of grievances relating to rejection and denial of registration, cancellation of registration and claims as well as other grievances regarding District Board.

(2) The Grievance Redressal Committee shall consist of equal number of members from the employer and the domestic worker .

(3) The Chairperson of the Grievance Redressal Committee shall be selected from the employer and from among the workmen alternatively on rotation basis every year.

(4) The total number of members of the Grievance Redressal Committee shall not exceed more than six:

Provided that there shall be, as far as practicable, one woman member if, the Grievance Redressal Committee has two members and in case the number of members are more than two, the number of women members may be increased proportionately.

(5) Notwithstanding anything contained in this section, the setting up of Grievance Redressal Committee shall not affect the right of the domestic worker to raise any dispute on the same matter under the provisions of this Act.

(6) The Grievance Redressal Committee may complete its proceedings within forty-five days on receipt of a written application by or on behalf of the aggrieved party.

(7) The Domestic worker who is aggrieved of the decision of the Grievance Redressal Committee may appeal to the District Collector against the decision of Grievance Redressal Committee and the Collector shall, within one month from the date of receipt of such appeal, dispose off the same and send a copy of his decision to the works concerned.

(8) Nothing contained in this section shall apply to the Domestic worker for whom there is an established Grievance Redressal Mechanism in the establishment concerned.

CHAPTER VII

OFFENCES AND PENALTIES

51. (1) Any service provider or placement agencies or employer who is not registered under this Act or has not renewed the registration certificate as per this act shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend to twenty thousand rupees, or with both.

Offences and
Penalties.

(2) Any service provider or agency or employer who contravenes the provisions of the Act or any rules made there under shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend to twenty thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day of continuing offence.

(3) If any person who has been convicted of any offence punishable under sub-section (2) is again guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to six months and with fine which shall not be less than forty thousand rupees but which may extend to fifty thousand rupees or with both:

(4) In case of default of payment to the domestic worker the employer shall be liable to make payment along with the interest on such payment as per the State rules and if pays to any domestic worker less the minimum rates of wages fixed for that employee's class of work, or less than the amount due to him under the provisions of this Act shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to twenty thousand rupees, or with both.

(5) Any person who willfully obstructs any officer so authorized by the District Board to conduct inspection under the Act or references or willfully neglects to afford such officer any reasonable facility for making any inspection, examination, inquiry or investigation authorized by or under this Act in relation to the employer or a service provider to whom, this Act applies, shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend to twenty thousand rupees, or with both.

(6) Whoever willfully refuses to produce on the demand of such an inspecting person so authorized by the District Boards, any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspecting

person acting in pursuance of his duties under this act, shall be punishable with imprisonment for a term which may extend to three months or with a fine which may extend to twenty thousand rupees, or with both.

(7) Any person who—

- (i) knowingly sends, directs or takes any girl or women domestic worker to any place for immoral purposes or to a place where she is likely to be morally corrupted or,
- (ii) in any manner sexually exploits or indulges in trafficking of such domestic worker woman or child or,
- (iii) if found ill treating or discriminating any domestic worker on the basis of caste, sex, class, race, religion or region or,
- (iv) in any manner abuses or illegally confines any domestic worker or,
- (v) compels any domestic worker to render any forced labour or,
- (vi) provides any child as domestic worker,

shall be subjected to imprisonment for not less than three years and which may extend up to a period of seven years and fine up to fifty thousand rupees.

Complaint Mechanism.

52. On identification of victim by service provider or District Board, the complaint shall be initiated to the District collector by the service Provider or District Board, as the case may be.

Emergency Aid, Medium Term Assistance and Legal Aid.

53. For the victims of forced labour, sexual exploitation, discrimination, illegal confinement or any kind of abuse, the District Board or service provider shall provide with emergency aid, medium term assistance and legal aid in conduct of the legal proceedings and admit the victim to rehabilitation homes.

Courts not to take cognizance of any offence punishable.

54. (1) No court shall take cognizance of any offence punishable under this Act except on a complaint—

- (a) made by, or with the previous sanction in writing of, the State Board or the District Board or
- (b) made by an office-bearer of a voluntary organization registered under the Societies Registration Act, 1860 or Trade Unions Act or any other law for the time being in force; or

(2) No court inferior to that of a Metropolitan magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

21 of 1860.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

Effect of laws and Agreements Inconsistent with the Act.

55. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, whether made before or after the commencement of this Act:

(2) Nothing contained in this Act shall be construed as precluding any domestic worker from entering into an agreement with the principal employer as the case may be, for granting them rights or privileges in respect of any matter which are more favourable to them than those to which they would be entitled under this Act.

Supersession of State Board.

56. (1) if the appropriate Government is satisfied that, or otherwise is of the opinion that,—

- (a) The State Board is unable to perform its functions, or
- (b) The State Board has persistently made delay in the discharge of its functions or has exceeded or abused its powers, then the State Government may, by notification in the Official Gazette, supersede the State Board and re-constitute it in the manner

specified in section 19 within a period of twelve months from the date of supersession provided that the period of supersession may be extended for sufficient reasons by a like notification by not more than six months:

Provided further, before issuing a notification under sub-section (1) on any of the grounds mentioned in clause (b), the appropriate Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) After the supersession of the State Board and until it is reconstituted, the powers and functions of the State Board under this Act shall be exercised and performed by the appropriate Government or by such officer or officers as the appropriate Government may appoint for this purpose.

(3) When the State Board is superseded, the following consequences shall ensue, that is to say—

(a) all the members of the State Board shall, as from the date of publication of the notification under sub-section (1), vacate their office;

(b) all the powers and functions, which may be exercised or performed by the State Board shall, during the period of supersession, be exercised or performed by such persons as may be specified in the notification.

(c) all funds and other property vesting in the State Board shall, during the period of supersession, vest in the State Government and on the reconstitution of the State Board, such funds and property shall reinvest in the State Board.

57. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

58. (a) The State and District Boards shall maintain proper accounts and other relevant records and prepare annual statements of accounts in such form as may be prescribed.

Accounts and Audit.

(b) The Central Committee shall furnish to the Central Government, before such date as may be prescribed, the audited copy of the consolidated account of itself and the Funds together with the auditor's report.

(c) The State and District Boards shall furnish to the appropriate Government before such date as may be prescribed its audited copy of accounts together with the auditor's report.

59. (1) The appropriate Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made by the appropriate Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule.

Application of other Acts.

60. The Welfare provisions of the Employees State Insurance Act, 1948, Equal Remuneration Act, 1976, Industrial Dispute Act, 1947, Inter State Migrant Workmen Act, 1979, Maternity Benefit Act, Minimum Wage Act, 1948, Payment of Bonus Act, 1965, Payment of Gratuity Act, 1972, Payment of Wages Act, 1936, Prevention of Sexual Harassment Act, Trade Union Act, 1926, Unorganised Worker Social Security Act, 2008, Workmen's Compensation Act, 1923 shall also apply to the domestic workers registered under this Act.

Act 38 of 1948
Act 25 of 1976
Act 14 of 1947
Act 30 of 1979
Act 11 of 1948
Act 21 of 1965
Act 39 of 1972
Act 4 of 1936
Act 16 of 1926
Act 33 of 2008
Act 8 of 1923

Power to make rules by the Appropriate Government.

61. (1) The appropriate Government may, by notification in the Official Gazette, and subject to the conditions of previous publication except when the rules are made for the first time, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the forgoing provision, such rules may be made for all or any of the following matters, namely:—

- (a) term of office of members of the State and District Board as the case may be;
- (b) rate of travelling and daily allowances to be payable to members of the State and District Board for attending meetings of the State and District Board the case may be;
- (c) form of application for registration as a beneficiary;
- (d) documents to be accompanied along with application for registration as beneficiary and fees for the same;
- (e) registers to be maintained by the Secretary of the State and District Board as the case may be;
- (f) form of an application to be made by a beneficiary to the District Board and documents which may be accompanied to such application, for grant of payments out of the fund;
- (g) amount of contribution of the beneficiaries to the fund;
- (h) form of annual statement of accounts including a balance sheet;
- (i) form in which and the time when the budget of the Board is to be prepared and forwarded to the appropriate Government;
- (j) form in which and the time when the annual report of the Board is to be prepared and submitted to the State Government;
- (k) number of members of the Committee and the manner in which they may be chosen;
- (l) term of office of members of the Committee; and
- (m) rate of travelling and daily allowances to be payable to members of the Committee for attending meetings of the Committee.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the Official Gazette, the rule shall, from the date of publication of a notification in the Official Gazette, have effect only in such modified form, or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity or anything previously done or omitted to be done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the last few decades, there has been a tremendous growth in the demand for domestic workers. Poverty has also forced people to migrate in search of work and workers with no other skills, turn to domestic work. This has also led to the trafficking and other forms of exploitation of millions of women and children of the both sexes. To meet growing demand for domestic help, there has been a spurt of thousands of placement agencies providing domestic workers in metro-towns of many States which remain outside the purview of any legislative control.

Absence of any legal protection has led to severe exploitation of women and children which include depriving domestic workers of a decent wage and excessive working hours of work. For the live-in domestic workers, there is absence of proper food and living/sleeping space, lack of freedom of mobility, isolation, exposure to harassment and sexual exploitation by agent during transit and work.

In 2011, the domestic workers won a victory at the International Labour Conference when an overwhelming majority of member countries voted in favor of a Convention to uphold the rights of Domestic Workers. Convention 189 and Recommendation 201, to which the Government of India is a signatory, explains in details how Domestic Workers need to be protected and awarded. Whereas the Government of India has not yet ratified Convention 189, the Government of India has included domestic workers in the Anti Harassment at the Workplace Act and some schemes like the RSBY. A few State Governments have notified Minimum Wages for Domestic Workers and included them in some welfare schemes while the State of Maharashtra has enacted a Welfare Act for Domestic Workers. Nevertheless, in the absence of a central legislation capable of reaching all Domestic Workers, none of these State level measures will deliver justice to Domestic Workers.

As Domestic Workers are an important segment of the service sector of the Indian economy and who have a multiplier impact on the economy by enabling the women in particular to work by sharing the family burden, only a comprehensive central legislation specifically designed to meet the working condition of the Domestic Workers can ensure the end of the exploitation of these workers.

It is in the public interest that Domestic Work, employing, as it does, a very large number of poor and vulnerable women and whose conditions of work and living need amelioration and to whom regularity of employment must be assured, Placement agencies must be regulated so that the Directive Principles of the Constitution more particularly the relevant provisions of Articles 39, 41, 42, 43, and 43-A of the Constitution are given effect to by a law made by Parliament with reference to entries 22, 23 and 24 of List III in the 7th Schedule in the Constitution.

OSCAR FERNANDES

FINANCIAL MEMORANDUM

Clauses 17, 19, 20, 24 of the Bill provide respectively for constitution of Central Advisory Committee, establishment of State Social Security Boards, appointment of Secretary and other officials of the State/UT Boards and grants and loans by the Central Government to the State Boards. Clauses 28, 34 and 37 of the Bill provide respectively for establishment of District Social Security Boards, appointment of Secretary and other officials of the District Boards and establishment of Domestic Workers Social Security Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is, however, difficult of assess the expenditure, both recurring and non-recurring, that is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 59 of the Bill empowers the Central Government while Clause 61 of the Bill empowers the appropriate Governments to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislation power is of a normal character.

IV

Bill No. X of 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 239AA.

2. In article 239 AA of the Constitution, in clause (2), in sub-clause (b), for the words "Scheduled Castes", the words "the Scheduled Castes and the women" shall be substituted.

Insertion of new articles 330A and 330B.

3. After article 330 of the Constitution, the following articles shall be inserted, namely:—

"330 A. (1) Seats shall be reserved for women in the House of the People.

(2) Not less than one-third of the total number of seats reserved under clause (2) of article 330 shall be reserved for women belonging to Scheduled Castes, or the Scheduled Tribes as the case may be:

Provided that nothing in this clause shall apply in relation to a State or Union Territory so long as the number of seats reserved for Scheduled Castes or Scheduled Tribes, as the case may be, in the State or Union Territory, is less than three.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election to the House of the People in a State or Union Territory shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in the State or Union Territory:

Provided that nothing in this clause shall apply in relation to a State or Union Territory so long as the number of seats allotted to such State or Union Territory in the House of the People under clause (2) of article 81, is less than three."

"330B. (1) Seats shall be reserved for women in the Council of States.

(2) Not less than one-third of the total number of members to be nominated to the Council of States by the President in accordance with clause (3) of article 80 shall be women.

(3) Not less than one-third of the total number of seats to be filled by the representatives of each State and Union Territory to the Council of States shall be reserved for women:

Provided that nothing in this clause shall apply in relation to a State so long as the number of seats allotted to such State or Union Territory in the Council of States, is less than three."

4. After article 332 of the Constitution, the following articles shall be inserted, namely:

Reservation of seats for women in the House of the People.

Reservation of seats for women in the Council of States.

Insertion of new articles 332A and 332B.

Reservation of seats for women in the Legislative Assemblies of the States.

"332 A. (1) Seats shall be reserved for women in the Legislative Assembly of every State.

(2) Not less than one-third of the total number of seats reserved under clause (3) of article 332 shall be reserved for women belonging to Scheduled Castes, or the Scheduled Tribes as the case may be:

Provided that nothing in this clause shall apply in relation to a State so long as the number of seats reserved for Scheduled Castes or Scheduled Tribes in the Legislative Assembly of the State, as the case may be, is less than three.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election to the Legislative Assembly of every State shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in the State or Union Territory.

"332 B. (1) Seats shall be reserved for women in the Legislative Council of every State, where such a Council exists.

(2) Not less than one-third of the total number of members elected to the Legislative Council of each State by electorates consisting of members of local authorities in accordance with sub-clause (1) of clause (3) of article 171 shall be women.

(3) Not less than one-third of the total number of members elected to the Legislative Council of each State by electorates consisting of graduates in accordance with sub-clause (b) of clause (3) of article 171 shall be women.

Reservation of seats for women in the Legislative Council of the States.

(4) Not less than one-third of the total number of members elected to the Legislative Council of each State by electorates consisting of teachers in accordance with sub-clause (c) of clause (3) of article 171 shall be women.

(5) Not less than one-third of the total number of members elected to the Legislative Council of each State by members of the Legislative Assembly of the State in accordance with sub-clause (d) of clause (3) of article 171 shall be women.

(6) Not less than one-third of the total number of members to be nominated to the Legislative Council of each State by the Governor in accordance with sub-clause (e) of (3) of article 171 shall be women".

5. The amendments made to the Constitution, by this Act, shall not affect any representation in the House of the people or in the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the House or the Assembly, as the case may be, in existence at the commencement of this Act.

Amendments
not to effect
the
representation
in the House
of the People
or Legislative
Assembly of a
State or
Legislative
Assembly of
the National
Capital
Territory of
Delhi.

STATEMENT OF OBJECTS AND REASONS

Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved. India moved a step towards realising the goal of equal political representation for women through the Seventy-third and Seventy-fourth Constitutional Amendment Acts that provided for reservation of seats for women in rural and urban local bodies respectively.

However, despite the widespread movement towards democratization at the local level, women are largely under-represented at the State and National level politics in India. For instance, out of the 543 elected members in the 16th Lok Sabha, only 66 are women, accounting for 12% of the total strength of the House. Similarly, out of 245 sitting members in the Rajya Sabha, only 11% are women. Therefore, reservation of seats for women in State Legislatures and the Parliament is essential for enhancing women participation in decision making.

The Constitution (One Hundred and Eighth Amendment) Bill that provided for reservation of one-third of all seats for women in the Lok Sabha and the State legislative Assemblies was introduced in the Rajya Sabha 6th May, 2008. The Standing Committee on Personnel, Public Grievance, Law and Justice, in its 36th Report on the aforementioned Bill had recommended that the Government should consider reservation for women in the Rajya Sabha and the Legislative Councils as well. The Bill was passed by the Rajya Sabha on 9th March, 2010 and transmitted to Lok Sabha. However, the Bill lapsed with the dissolution of the 15th Lok Sabha, and has not yet been reintroduced.

The imbalance in gender representation in the law-making bodies at the Union and the State level ought to be immediately addressed to ensure that all sections of the society secure a sense of participation in nation-building and the legislative processes. Unless such mandatory provisions are made to secure representation of women in the parliamentary and legislative process, the object of women empowerment, which has only remained a political slogan, will not be achieved.

Therefore, in view of the need to ensure active participation of women at all levels of decision making, and in consonance with the recommendations of the Standing Committee on Personnel, Public Grievance, Law and Justice, the current Bill seeks to provide for reservation for women in both the Houses of the Parliament and the State Legislatures.

The Bill seeks to achieve the aforesaid objectives.

V. VIJAYASAI REDDY

Shumsher K. Sheriff,
Secretary-General.